

## **REMARKS**

Claims 1-20 are pending in this application. Claims 2, 4, and 16 have been amended herein. No new matter has been added. Applicant respectfully traverses the Examiners rejections. In view of the remarks contained herein, Applicant respectfully requests reconsideration of the claims.

### **I. DRAWINGS**

Applicant has amended Figure 1 to correct a misspelling in an instance of BSC/RNC 14. The incorrect instance was originally misspelled BSS/RNC. Support for this amendment can be found, at least, in the second instance of BSC/RNC 14 and in the Specification, at least, at page 6, lines 2-6. Thus, no new matter was added.

Applicant has also amended Figure 3B in response to the Examiners objections under 37 C.F.R. 1.84(p)(4). Applicant has changed ACK SIGNAL 56 to read, "ACKNOWLEDGE RECEIPT." Support for this amendment is found in Figure 2B. Thus, no new matter was added.

### **II. REJECTIONS UNDER 35 U.S.C. § 112**

Claims 2, 4, and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response to the Examiner's rejections, Applicant has amended claim 2 to read, "a Base Station Controller/Radio Network Controller (BSC/RNC) and said first SGSN...." Applicant has amended claims 4 and 16 to read, "a Packet Data Provider (PDP)." Applicant's amendments were solely to provide appropriate antecedent basis as pointed out by the Examiner. Support for these amendments can be found throughout the Specification. Thus, no new matter was added. As Applicant has addressed each instance noted by the

Examiner, Applicant respectfully requests the Examiner to withdraw his rejections under 35 U.S.C. § 112 of claims 2, 4, and 16.

### **III. REJECTIONS UNDER 35 U.S.C. § 102**

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Id.* Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Claims 1 and 9-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2001/0051931 A1 issued to Schweitzer (hereinafter “*Schweitzer*”).

Claim 1 requires, “initiating information exchange between a first Serving General Packet Radio Service Support Node (SGSN) and Server Control Point (SCP) regarding said prepaid subscriber ....” The Examiner alleges that this limitation is disclosed in *Schweitzer* at paragraphs 6 and 40. Office Action, p. 4. However, paragraph 6 only discloses that SGSN “controls the sign-on and sign-off of the mobile station MS, the updating of the location of the mobile station MS and the routing of data packets to their correct destinations.” *Schweitzer*, para. [0006]. While it teaches that the SGSN controls the sign-on of the mobile station, it does not, in fact, teach that the SGSN interacts with an SCP to initiate information exchange regarding the prepaid subscriber, as required by claim 1.

Paragraph 40 merely discusses user-defined threshold limits that may be set up by the prepaid subscriber. *Schweitzer*, para. [0040]. However, it also does not disclose any information about the SGSN initiating information exchange with an SCP. In fact, *Schweitzer* later describes

how the interface by the SGSN occurs. It states that, “A packet tunnel 508 is then created from the handset through a SGSN of the BSS 504 to a router 510 logically located in the GGSN.” *Schweitzer*, para. [0049]. *Schweitzer*, thus, teaches that the initiation process occurs between the SGSN and a router within the GGSN. This set up is not the same as initiating information exchange from the SGSN with an SCP, as required in claim 1. Thus, *Schweitzer* does not teach this limitation of claim 1.

Claim 1 further requires, “providing volume limit threshold data to the first SGSN ....” The Examiner asserts that this limitation is disclosed in paragraphs 40, 45, and 46 of *Schweitzer*. Office Action, p. 4. However, none of these paragraphs, nor any other disclosure from *Schweitzer*, teaches providing volume limit threshold data to the first SGSN. Paragraph 40, as mentioned above, discusses setting up limits based on a user-defined threshold, but it does not, in fact, discuss or imply the mechanism for providing this threshold data to anything, let alone providing it to the first SGSN, as required by claim 1. *Schweitzer*, para. [0040].

Similarly, paragraph 45 discusses how the subject accounting system interfaces with the GPRS system for collecting IP content usage information and call description record information. *Schweitzer*, para. [0045]. However, it also does not specify provisioning the threshold data to any part of the system. Paragraph 46 discusses receiving call data records (CDRs) from the SGSN or GGSN, but also does not discuss providing threshold data to the SGSN. In fact, neither paragraphs 45 nor 46 even discuss the user-defined threshold limits. *Schweitzer*, paras. [0045]-[0046]. Thus, *Schweitzer* does not teach this limitation of claim 1.

Claim 1 also requires, “forwarding said volume limit threshold data to a Gateway GPRS Support Node (GGSN). The Examiner alleges that *Schweitzer* teaches this limitation at paragraph 45. Office Action, p. 4. However, as noted above, paragraph 45 does not even

discuss the *Schweitzer* user-defined threshold data. See *Schweitzer*, para. [0045]. Thus, *Schweitzer* does not teach this limitation of claim 1.

Claim 1 further requires, “transmitting said accumulated data count to the first SGSN if said accumulated data count reaches said volume limit threshold.” The Examiner alleges that *Schweitzer* teaches this limitation at paragraph 42. Office Action, p. 4. Paragraph 42 only discusses that the IP usage may be limited for each member of a shared, single debit account. However, it does not teach the provisioning or transmitting of any accumulated data count to the first SGSN if the accumulated data count reaches the volume limit threshold, as required by claim 1. *Schweitzer* does not specifically teach that any comparison of a data count against the threshold nor does it teach transmitting anything to the SGSN. Thus, *Schweitzer* does not teach this limitation of claim 1.

Finally, claim 1 further requires, “providing said accumulated data count to said SCP.” The Examiner alleges that *Schweitzer* teaches this limitation at paragraphs 45-47. However, as noted above, paragraphs 45-47 do not discuss an SCP at all. Moreover, there is no specific discussion in *Schweitzer* explaining the mechanisms for transmitting any kind of IP usage data anywhere. In fact, *Schweitzer* discloses that the subject accounting system monitors all of the traffic carried over any interface in the GPRS system. *Schweitzer*, para. [0046]. *Schweitzer* explains that this monitoring by the accounting system enables the accounting system 400 to collect real-time information associated with customer communication over the wireless network *as well as IP content usage*. *Id.* (emphasis added.) Therefore, it appears that the IP content usage is obtained directly by subject accounting system. Thus, *Schweitzer* does not teach this limitation of claim 1. Accordingly, claim 1 is allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejection of claim 1 be withdrawn.

Claims 9-11 depend from claim 1 and inherit all of the limitations of claim 1.

Accordingly, claims 9-11 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejections of claims 1 and 9-11 likewise be withdrawn.

#### **IV. REJECTIONS UNDER 35 U.S.C. § 103**

In *Graham v. John Deere Co. of Kansas City*, the Supreme Court set out a framework for applying the statutory language of § 103. 383 U.S. 1 (1966). The Court stated:

Under 35 U.S.C. § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *Id.*, at 17–18.

The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. *KSR Int'l Co., v. Teleflex, Inc.*, 550 U.S. \_\_\_\_ (2007).

Patents for obvious combinations must generally be disallowed because a “patent for a combination which only unites old elements with no change in their respective functions . . . obviously withdraws what is already known into the field of its monopoly and diminishes the resources available to skillful men.” *Great Atlantic & Pacific Tea Co. v. Supermarket Equipment Corp.*, 340 U. S. 147, 152 (1950). However, when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious. *United States v. Adams*, 383 U. S. 39, 51-52 (1966). Moreover, no holding or doctrine diminishes the necessity of the combined teachings or obvious elements teaching or suggesting each and every limitation of the claimed invention.

***A. Claims 2, 4, 8, 12, 13, 16, and 18-20***

Claims 2, 4, 8, 12, 13, 16, and 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schweitzer*, as applied to claim 1, in view of U.S. Publication No. 2002/0089949 A1 issued to Bjelland et al. (hereinafter “*Bjelland*”).

The Examiner admits that *Schweitzer* does not teach many of the limitations required in dependent claims 2, 4, 8, 12, 13, 16, and 18-20. The Examiner offers *Bjelland* to cure these various deficiencies. However, claims 2, 4, 8, 12, 13, 16, and 18-20 depend from claim 1 and, thus, inherit all of the limitations of claim 1. As noted above, *Schweitzer* does not teach many of the limitations required by claim 1. The Examiner does not offer *Bjelland* to cure these deficiencies, nor does *Bjelland* teach such limitations. Therefore, the combination of *Schweitzer* and *Bjelland* do not teach or suggest each and every limitation of the claimed invention. Accordingly, claims 2, 4, 8, 12, 13, 16, and 18-20 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejections of claims 2, 4, 8, 12, 13, 16, and 18-20 likewise be withdrawn.

***B. Claims 3, 5-7, 15, and 17***

Claims 3, 5-7, 15, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schweitzer*, in view of *Bjelland*, in further view of U.S. Publication No. 2004/0077332 A1 issued to Ephraim et al. (hereinafter “*Ephraim*”).

The Examiner admits that the combined teachings of *Schweitzer* and *Bjelland* do not teach many of the limitations required in dependent claims 3, 5-7, 15, and 17. The Examiner offers *Ephraim* to cure these various deficiencies. However, claims 3, 5-7, 15, and 17 depend from claim 1 and, thus, inherit all of the limitations of claim 1. As noted above, the sole and combined teachings of *Schweitzer* and *Bjelland* do not teach many of the limitations required by

claim 1. The Examiner does not offer *Ephraim* to cure these deficiencies, nor does *Ephraim* teach such limitations. Therefore, the combination of *Schweitzer*, *Bjelland*, and *Ephraim* do not teach or suggest each and every limitation of the claimed invention. Accordingly, claims 3, 5-7, 15, and 17 are allowable for at least the reasons discussed above. Applicant, therefore, respectfully requests that the rejections of claims 3, 5-7, 15, and 17 likewise be withdrawn.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas J. Meaney, Applicant's attorney, at 972-732-1001, so that such issues may be resolved as expeditiously as possible. In the event that the enclosed fees are insufficient, please charge any additional fees required to keep this application pending, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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